

YORK TOWNSHIP

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York Township Zoning Hearing Board
Tuesday, January 22, 2008
6:00 p.m.

The January meeting of the York Township Zoning Hearing Board was called to order by Teri Hollway, Chair.

Those in attendance were:

Teri Hollway, Chair
William Yanovitch, Vice-Chair
Missy Gugino, Secretary
John Wimbley, Member
Lisa Frye, Zoning Officer
Jeffrey Rehmeyer, II, Esq., Solicitor

ELECTION OF OFFICERS

A motion was made to nominate and elect Teri Hollway as Chair.

MOTION MADE BY: John Wimbley
SECONDED BY: Missy Gugino
MOTION PASSED UNANIMOUSLY

A motion was made to nominate and elect William Yanovitch as Vice-Chair.

MOTION MADE BY: Missy Gugino
MOTION PASSED UNANIMOUSLY.

*Secinded by
John Wimbley*

A motion was made to nominate and elect Missy Gugino as Secretary.

MOTION MADE BY: Teri Hollway
SECONDED BY: John Wimbley

MOTION PASSED UNANIMOUSLY

YEAR END REPORT 2007

Officers for the year were Chairman Kenneth Silberstein, Vice-Chairman Teri Hollway, and Secretary Missy Gugino. Other members included John Wimbley, Jerry Kotek, and alternates William Yanovitch and John Smith, Solicitor, Jeffrey Rehmeyer. In December, 2007, Jerry Kotek and Kenneth Silberstein resigned effective December 31, 2007. William Yanovitch was appointed to fill the unexpired term of Kenneth Silberstein expiring January, 2010. Interviews for one vacant member position and two vacant alternate positions will be conducted in 2008. There were 48 applications for hearings received in the township office in 2007, and 2 applications tabled from 2006. Of these, 38 were heard by the Zoning Hearing Board. There were 15 special exceptions approved, 2 denied, 3 withdrawn, and none tabled to 2008, 12 variances approved, 7 denied, 2 withdrawn, and none tabled to 2008. There was one appeal denied in 2007, and there was 1 interpretation in 2007. In April, 2007, the Zoning Hearing Board adopted rules of procedure and bylaws. The variance denied by the Zoning Hearing Board in 2006 was appealed by Kinsley, and the appeal was continued to 2008.

A motion was made to accept the year end report of 2007 as written.

MINUTES AND DECISIONS OF DECEMBER 26, 2007

The Zoning Hearing Board minutes and decisions of December 26, 2007, were approved.

HEARINGS

Appl.2008-01: Wellspan Properties, Inc. requests a Special Exception to establish a Hospital Use (In-

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Patient Acute Care Hospital with an ancillary Outpatient Rehabilitation Center) on property located along Old Baltimore Pike in Office-Professional (O-P) and High Density Residential (RH9) zones.


Present: Jeff Lobach, Esquire
Cathy Connelly
Barbara Yarrish

Information on the application was presented and after discussion the application was approved, pending a written decision.

ADJOURNMENT

This meeting adjourned at 7:25 p.m.

ATTEST:



Missy Gugino, Secretary

DECISION OF THE YORK TOWNSHIP ZONING HEARING BOARD

Application Number: 2008-01

Hearing Date(s): January 22, 2008

Applicant(s): WellSpan Properties, Inc., Attn: Gregory Weigle, Director

Property Owner(s): WellSpan Properties, Inc., Attn: Gregory Weigle, Director

Property: 22330 Old Baltimore Pike
UPI # 54000HI0458B

Existing Zoning District: Office Professional and Residential-High Density (O-P and RH9)

Relief Requested- Special Exception, under the York Township Zoning Ordinance of 1996, as amended (the "Ordinance") and pursuant to Section 265-88 thereof.

FINDINGS OF FACT

- 1) The foregoing information and the Application, including its attachments, are incorporated by reference.
- 2) The Applicant was represented by the following:
 - a) Jeff Lobach , Esq., Barley Snyder
 - b) Barbara Yarrish, R.N., Wellspan Health
 - c) Cathy Conley, EIT, lscdesign
- 3) Attorney Lobach provided introductory information. He confirmed that Wellspan Properties desires to install a hospital (in-patient post acute care hospital with an ancillary out-patient rehabilitation center) ("Hospital") as part of its Apple Hill Healthcare Campus.
- 4) Attorney Lobach then called Barbara Yarrish of Wellspan Health, who testified as follows:
 - a) She has extensive consulting experience in post acute care (rehabilitation), having been involved with it for the last 20 years.
 - b) She is a registered nurse.
 - c) She has been involved in the planning process for the proposed Hospital.
 - d) Looking at a site plan for the Property, she showed the location of the Administration and Information Technology Building, the Woman's and Imaging Center, and the Apple Hill Medical Center.
 - e) She explained that a typical patient might be a post-stroke or post-accident victim.

- f) She indicated that patients would stay overnight an average of 15 days.
 - g) She explained that the staff would be approximately 35 individuals on day shift (8AM to 4PM) for the first few years, with total employees expected to reach 100 around the fourth year of operation, at which time, there will be about 45 day shift employees.
 - h) She indicated the site for the Hospital was selected because its proximity to York Hospital, the rest of the Apple Hill Healthcare Campus, and the ability to provide ease of care.
 - i) She indicated that she was familiar with hospital regulatory and licensing requirements, and they shall be met for purposes of this Hospital.
 - j) She indicated the Hospital would comply with all applicable laws and regulations.
 - k) She stated that the intensity of the operations would be comparable to the existing operations at Apple Hill.
 - l) She indicated that most traffic flow and visitation would be expected between 10AM and 8PM.
 - m) She indicated that sirens would not be expected because patients coming to the Hospital would be in stable condition.
- 5) Attorney Lobach called Cathy Conley, of lscdesign, who testified as follows:
- a) She is an engineer in training.
 - b) She received a BA in Engineering from PennState.
 - c) She has been with lscdesign for twelve years.
 - d) She has experience with subdivision, land development and zoning matters.
 - e) She explained that TRG was used for the traffic engineering and provided preliminary numbers.
 - f) She explained the details of the Property focusing on Exhibit #1, the Existing Conditions Plans and Exhibit #2, the Applicable Site Plan, which were introduced as exhibits.
 - g) The land to be developed is currently being used for agricultural purposes.
 - h) The primary access to the Hospital will be Old Baltimore Pike.
 - i) The Hospital would be 110,000 square feet and sit on what is currently a 17 acre parcel.
 - j) However, the entire Apple Hill Campus has a pending subdivision to combine all parcels into one 50 acre parcel.
 - k) The Hospital would be on the land zoned Office–Professional.
 - l) There would be no development on the lands zoned Residential.
 - m) Exhibit #3, the Access Plan, was shown to the Board and introduced as an exhibit.
 - n) Using Exhibit #3, Ms. Conley explained the traffic route from Old Baltimore Pike to South George Street.
 - o) Exhibit #4, which was enlarged site plan, was introduced as an exhibit.
 - p) Using Exhibit 4, Ms. Conley highlighted that there would be 213 parking spaces.
 - q) She explained that the Hospital would have a garden area and sidewalks to the rear (west).
 - r) She said that the front of the Hospital would face to the east.
 - s) She indicated that public parking would be to the front of the Hospital (east) and employee parking would be to the rear (west).
 - t) She indicated that the drawings currently showed a twenty (20) foot buffer area including the existing tree line, which was surveyed.
 - u) She explained that the existing tree line would remain.
 - v) She indicated that the closest Hospital would be at least 140 foot from the adjoining owner’s property line.
 - w) She explained that there will be a fifty (50) foot setback applicable to all buildings.
 - x) She indicated that stormwater would be handled on site.
 - y) She stated that sanitary sewer and other utilities and public safety services were available.

- z) She indicated that the required parking would be exceeded, as demonstrated by the exhibit attached to the Application.
 - aa) She explained that the location would not affect adversely nearby property owners' use.
 - bb) She indicated her belief that traffic would not create congestion or forced commercial traffic on residential streets.
- 6) There was some discussion with regard to a covenant set forth in a document entitled Declaration of Protective Covenants, regarding the Property, which was filed in Book 1422, Page 1298 of the Recorder of Deed's Office in and for York County (the "Covenant").
 - 7) Attorney Lobach and Ms. Conley indicated their belief that the Hospital would not violate any provisions of that Covenant, including Section 2 therefore, as there would be no commercial development on the land area subject to the restriction.
 - 8) Ms. Conley indicated, in response to a question, that the access drive and retaining wall that are minimally on the land zoned residential could be moved in so that they would be entirely on the land zoned Office-Professional if necessary; however, she explained that the design was intended to allow the Hospital building itself to provide some shielding between nearby residential issues and the Hospital loading dock.
 - 9) Attorney Lobach opined that the access drive was not a commercial use and thus does not violate of the Covenant.
 - 10) In response to questions asked of the Applicant, answers were given as follows:
 - a) There is expected to be some outpatient physical therapy, with approximately 100 patients per day and approximately 15-20 employees providing services to them.
 - b) Ambulances could arrive on the south side of the building although no sirens are expected.
 - c) There is a grade break along the middle of the Hospital, such that the eastern portion of the building would be at a lower grade.
 - d) There was confirmation that there are four hospitals in York.
 - e) The Applicant indicated that it is considering the adjoining farm house while developing the Hospital, although the farm house is also on land owned by Wellspan too.
 - f) The Applicant confirmed that Wellspan would operate the Hospital.
 - g) The Applicant confirmed that the traffic would be analyzed as part of the land development plan process.
 - h) The Applicant agreed that the Hospital would be subject to payment of real estate taxes.
 - i) The Applicant confirmed that the loading area would be on the northern portion of the Hospital.
 - j) The Applicant confirmed that the loading dock would be used during the day time.
 - k) The Applicant indicated that there are no plans to expand the services for the Hospital.
 - l) The Applicant indicated that the HVAC units would likely have sound shielding and any noise related to them would be addressed as part of the land development process.
 - m) The Applicant confirmed that the Hospital would have dietary facilities to serve the patients and employees.
 - n) The Applicant indicated that any lighting would be placed as far as possible from the adjoining property owner lines, would be shielded, and would be in full compliance with applicable ordinances.

- 11) There was testimony against the grant of the special exception and concerns raised with regard to noise and light as a result of the use.
- 12) The Zoning Officer indicated that she was not aware of any objections to the project from the Township's perspective.
- 13) Attorney Lobach provided testimony on behalf of the Applicant in support of the specific special exception criteria in Section 265-88 as follows:
 - a) That the Hospital would be constructed and operated in accordance with all applicable laws of the Commonwealth of Pennsylvania.
 - b) The Hospital will have frontage on and direct access to an arterial or collector street.
 - c) The lot area exceeds the one acre minimum.
 - d) The lot width exceeds the 200 feet minimum.
 - e) The setbacks for all buildings will be at least 50 feet from all property or street lines.
- 14) Attorney Lobach provided testimony on behalf of the Applicant in support of the general special exception criteria in Section 265-166 (D) as follows:
 - a) The use will be in harmony with the orderly and appropriate development of the zoning district.
 - b) The location of the use is appropriate with respect to existing streets giving access to it.
 - c) The nature and intensity of the proposed use would be appropriate and in conformity with the neighborhood.
 - d) Adequate water, septic, storm drainage, and fire and police protection are available for use.
 - e) The use of the adjacent land and buildings would not be discouraged and the value of the adjacent land and buildings would not be impaired by the location, nature, and heights of the buildings, walls and fences.
 - f) The use will not create further traffic congestion or cause commercial and industrial traffic to use residential streets.
- 15) Attorney Lobach indicated that a fifty (50) foot buffer would be acceptable as a condition.

CONCLUSIONS OF LAW

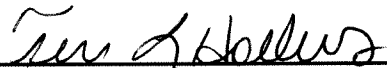
- 1) The Board believes that the general and specific criteria for the special exception has been met.
- 2) The grant of the special exception should be subject to certain reasonable conditions, including the following:
 - a) The approval of the pending subdivision to merge all of the Wellspan properties, to include the Hospital, on the existing Apple Hill Healthcare Campus be completed.
 - b) The Covenant referenced above be observed and compliance with it continue.
 - c) That a fifty (50) foot buffer of the type allowed by Township Ordinance be placed between the proposed Hospital use and adjoining property owners, with the buffer being placed along the property line except in the vicinity of the farmhouse in which case the buffer location could be somewhere between the proposed Hospital and the property line, with the location is to be determined as part of the land development process

Accordingly, Bill Yanavitch moved, and John Wimbley seconded, to grant the special exception pursuant to Application 2008-01, subject to the imposition of the Conditions, and that no other portion of the Ordinance be waived or other relief be granted. The motion passed with a vote of 4-0, with all members voting in favor.

WITNESS/ATTEST

YORK TOWNSHIP
ZONING HEARING BOARD



By: 

Teri L. Hollway, Chair



Date

The zoning relief granted herein is valid for a period of six (6) months from the date of its authorization (which authorization is deemed to be granted on the date that the Zoning Hearing Board rendered a decision at a hearing or in writing, whichever comes first) pursuant to Sections 265-145 (3) and 265-146 of the Ordinance, unless the Applicant has proceeded to obtain a building permit or submit a land development plan.